

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

FILED

MAY 05 2025

Heidi D. Campbell, Clerk
U.S. DISTRICT COURT

United States of America

v.

David Moises Castro Rivera, a/k/a "David Castro,"

Defendant(s)

Case No.

25-mj-382 mts

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 27, 2024 in the county of Tulsa in the
Northern District of Oklahoma, the defendant(s) violated:

Code Section
8 U.S.C. § 1326

Offense Description
Unlawful Reentry of Removed Alien

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.



Complainant's signature

Erin Staniech, Special Agent HSI

Printed name and title

Sworn to before me by phone.

Date:

5-5-2025

Judge's signature

City and state:

Tulsa, OK

Mark T. Steele, United States Magistrate Judge

Printed name and title

**Affidavit in Support of an Arrest Warrant
in the Northern District of Oklahoma**

I, Erin Staniech, being duly sworn under oath, do hereby depose and state:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent (“SA”) with Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HSI”) since June 2019 and currently assigned to the Office of the Resident Agent in Charge in Tulsa, Oklahoma, and investigate crimes involving child exploitation. As a result of my employment as an HSI Special Agent, my duties include, but are not limited to, the investigation and enforcement of Titles 8, 18, 19, 21, and 31 of the United States Code. I am an “investigative or law enforcement officer of the United States” within the meaning defines in 18 U.S.C. § 2510(7), in that I am an agent of the United States authorized by law to investigate violations of federal laws and make arrests for violations of those laws.

2. During my career as an HSI Special Agent, I have participated in investigations related to human smuggling, forced labor, child exploitation and human trafficking. I have also received both formal and informal training in investigating those crimes from more experienced investigators who have investigated human smuggling, forced labor, and human trafficking. In March 2023 I attended a weeklong conference for the International Association of Human Trafficking Investigators in Ocean City, Maryland. During the conference, investigators, prosecutors, and survivors of human trafficking from across the globe present both closed and ongoing human trafficking

investigations. Presenters discussed the investigations, evidence obtained during the investigations, and the investigative techniques used in furtherance of those investigations.

3. After a subject is released to ICE on our detainer by a local police agency, I identify that a subject was not born in the United States, then the subject's fingerprints and biographical information are submitted to the Integrated Automated Fingerprint Information System (IAFIS) and the Automated Biometric Identification System (IDENT). If the subject has ever been encountered by an immigration officer this search of the immigration databases will show the subject has an "A" File with a corresponding A-File number.

4. An "A-File" or Alien-File is a file kept and maintained by United States Citizenship and Immigration Services (CIS) and is the official file for all immigration and naturalization records for a particular alien. The A-File is identified by an A-File number. The A-File and A-File number are linked to the alien's fingerprints, which are unique to every individual. No two aliens have the same A-File or A-File number.

5. It is common practice for law enforcement to first obtain fingerprint results to verify an alien's identity, because in my knowledge, training, and experience, it is common for aliens to attempt to mislead law enforcement officers, state and local officials, and members of the United States Government as to their identity. This is often done through the use of false names, dates of birth, and other biographical information. Aliens do this to avoid deportation or to gain immigration-based benefits, especially when they have an active removal order. Therefore, ICE ERO

relies solely on the individual's A-number, confirmed via fingerprint, to identify Aliens who are subject to removal.

6. Subjects that are amenable to removal are then administratively processed for either an immigration hearing or for removal. Those subjects that have been identified as being previously removed who then unlawfully returned to the United States are referred to me for further review to ascertain if the subject meets the criteria for federal prosecution.

7. The facts and statements in this affidavit are based in part on information provided by other law enforcement officers and on my personal observations and training and experience as an Officer with ICE ERO. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

8. It is my belief that a male alien known as David Moises CASTRO Rivera, (**CASTRO Rivera**) DOB xx-xx-2002, A-Number 209 998 540, has violated 8 U.S.C. § 1326 by illegally or unlawfully re-entering the United States after being previously removed.

RELEVANT STATUTES

9. 8 U.S.C. § 1326 – Unlawful Reentry of Removed Aliens

(a) In general

Subject to subsection (b), any alien who—

- (1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter
- (2) enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act,

shall be fined under Title 18, or imprisoned not more than 20 years, or both.

10. Accordingly, the elements of the crime committed by **CASTRO Rivera** are as follows:

- First: The defendant is an alien;
- Second: the defendant had previously been removed from the United States;
- Third: the defendant was found in the United States having entered knowingly;
- Fourth: the defendant had not received the consent of the proper legal authority to reapply for admission to the United States; and
- Fifth: the defendant was found in the Northern District of Oklahoma.

PROBABLE CAUSE

11. On February 27, 2024, **CASTRO Rivera** was arrested by the Tulsa Police Department in Tulsa, Oklahoma, within the Northern District of Oklahoma, and booked into the Tulsa County Jail for possession of a firearm after former conviction of a felony, possession of paraphernalia, possession of controlled dangerous substance-methamphetamine, failure to signal on turning, driving with license canceled, suspended or revoked, failure to wear seatbelt, and destroying, removing, altering, covering, counterfeiting trim tag plates. That same day, Designated Immigration Officer Perry submitted **CASTRO Rivera's** fingerprints into the IAFIS and IDENT systems, which returned records that **CASTRO Rivera** is an alien and a Honduran national with an A-File number.

12. Immigration records show that **CASTRO Rivera** has never filed any application for permission to re-enter the United States and had never received consent from the Secretary of Homeland Security to reapply for admission to the United States. **CASTRO Rivera** does not have any pending applications at this time. **CASTRO Rivera's** A-File reflects that he was ordered removed by an immigration judge on May 14, 2021, and was removed from the United States June 2, 2021, at San Antonio, Texas.


13. **CASTRO Rivera's** A-File indicates he has formerly used the alias of: "David CASTRO."

14. **CASTRO Rivera** is currently in ICE Custody.

CONCLUSION

Based on the foregoing, affiant believes there is probable cause to arrest **David Moises CASTRO Rivera** for a violation of 8 U.S.C. § 1326, Unlawful Reentry of Removed Alien.

Respectfully submitted,



Erin Staniech, Special Agent
Homeland Security Investigations

Subscribed and sworn via phone on the 5 day of May, 2025.



MARK T. STEELE
UNITED STATES MAGISTRATE JUDGE